IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 1339 OF 2007(S)

AGAINST THE ORDER IN IA 2401 & 2402/2004 IN OS.89/2000 OF FAMILY COURT,KOLLAM

.....

PETITIONER:

OMANAKUTTAN, S/O.DAMODARAN,
AGED 54 YEARS, PUTHENVILA VEEDU,
THEVALAPPURAM KIZHAKKU, NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

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1. BEENA, KUNNUVILA VEEDU, ERATHU MURI,
ULIYANADU, KOLLAM.

2. BEENA DHANYA, MINOR, AGED 15 YEARS,
REPRESENTED BY HER MOTHER BEENA,
KUNNUVILA VEEDU, ERATHU MURI,
ULIYANADU, KOLLAM.

3. ANU, MINOR, AGED 8 YEARS,
REPRESENTED BY HER MOTHER BEENA,
KUNNUVILA VEEDU, ERATHU MURI,
ULIYANADU, KOLLAM.

BY ADV. SRI.K.SANIL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) 1339/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	**TRUE COPY OF THE PLAINT IN O.S. NO. 89/2000 ON THE FILE OF THE FAMILY COURT, KOLLAM DATED 23.3.2000.**
EXT.P2	**TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN O.S. NO. 89/2000 DATED 24.8.2001.**
EXT.P3	**TRUE COPY OF THE ORDER ON I.A. NO. 1105/2002 IN O.S. NO. 109/2001 BEFORE THE FAMILY COUURT, KOLLAM DATED 18.10.2002.**
EXT.P4	**TRUE COPY OF I.A. NO. 2401/2004 IN O.S. NO. 89/2000 BEFORE THE FAMILY COURT, KOLLAM DATED 19/7/2004.**
EXT.P5	**TRUE COPY OF I.A. NO. 2402/2004 IN O.S. NO. 89/2000 BEFORE THE FAMILY COURT, KOLLAM DATED 12.11.2004.**
EXT.P6	**TRUE COPY OF THE EXECUTION PETITION FILED BY THE RESPONDENTS BEFORE THE FAMILY COURT, KOTTARAKKARA DATED NIL.**
EXT.P7	**TRUE COPY OF I.A. NO. 42/2007 FILED BY THE PETITIONER IN O.S. NO. 89/2000 DATED 6.1.2007.**

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

KURIAN JOSEPH & P.R. RAMAN, JJ.

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W.P.(C) NO. 1339 OF 2007

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DATED THIS, THE 20TH DAY OF FEBRUARY, 2007

J U D G M E N T

Kurian Joseph, J.

The following prayers are made in the writ petition:

> i. Direct the Family Court, Kollam to consider and dispose of on merits Exhibits P4 and P5 applications viz., I.A. No. 2401/2004 and 2402/2004 in O.S. No. 89/2000 within a time limit to be prescribed by this Honourable Court.
>
> ii. Direct the Family Court, Kottarakkara to refrain from proceeding with Exhibit P6 Execution Petition viz.. E.P. No. 99/2005 until disposal of Exhibits P4 and P5 applications by the Family Court, Kollam and sufficient time thereafter to enable the petitioner to challenge the orders therein, if the same are adverse to him.
>
> iii. Issue such other further reliefs as this Honourable Court deem fit and proper to grant in the circumstances of the case.

2. Learned counsel for the respondent submits that maintenance already ordered is in arrears. In such circumstances, the writ petition is disposed of directing the Family Court, Kollam to dispose of Exts.P4 and

P5 applications within two months from the date of production of a copy of this judgment by either party.

The interim order granted by this Court on 24.1.2007 will continue till disposal of the applications by the Family Court, Kollam, on condition that the petitioner deposits the up to date arrears of maintenance already ordered within a month.

KURIAN JOSEPH,
(JUDGE)

P.R. RAMAN,
JUDGE.

knc/-